

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DARIUS MACLIN, 05B1777,

Plaintiff,

-v-

DECISION AND ORDER
10-CV-6573Fe

BRIAN FISCHER, Commissioner;
Ms. A. KRENN Counselor and
Mr. JOHN B. LEMPKE, Superintendent;

Defendants.

Plaintiff has submitted a complaint to the Court and seeks permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. In order for the Court to grant the request, it needs sufficient information on which to base its determination.

Here, the documentation plaintiff has submitted is inadequate to permit the Court to evaluate the request, because plaintiff has neglected to have prison officials complete the required prison certification section of the application form, without which the Court cannot grant the request and put the case forward. Because this section of the application form must be completed and signed by a prison official, plaintiff may have until **November 22, 2010** to submit a supplementary application which includes a completed prison certification section.

The Clerk of the Court is directed to send plaintiff a new form application to proceed as a poor person.

By **November 22, 2010**, plaintiff must either submit the supplemental application form with a completed and signed prison certification or pay the full filing fee of \$350.00.

Plaintiff is forewarned that failure to comply with this order by either submitting the supplemental application with a signed certification section or paying the filing fee by the designated date will result in the dismissal of this case without prejudice.

If plaintiff has not complied with this order by **November 22, 2010**, the Clerk of the Court is directed to close this case as dismissed without prejudice without further order.

SO ORDERED.

Dated: OCT. 27, 2010
Rochester, New York

Charles J. Siragusa
CHARLES J. SIRAGUSA
United States District Judge